IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO : 3591 of 1994**

Between:

1. Botla Lazar, S/o.Samuel, aged about 56 years, Occ: Agriculturist

2. Botla Rama Swamy, S/o.Mallaiah, aged about 80 years.

3. Jannu Reddy, S/o.Jannu Kattaiah, aged about 45 years

4. Botla John, S/o.Ramaiah, aged about 80 years

5. G.Deenamma, W/o.Late Devadas, aged about 50 years

6. G.Anantha Rao, S/o.Late Devadas, aged about 25 years

7. Manda Yellaiah, S/o.Late Manda Illaiah, aged about 50 years

**8. Jannu Devadas, S/o.J.Abraham, aged about 50 years**

**9. Jannu Bondaiah, S/o. Late Abraham, aged about 50 years**

**10. B.Manikyam, S/o.Samuel, aged about 45 years**

**11. Botla Amrutha, D/o.Leelamma, W/o.Linga Murthy, aged about 30 years**

**12. Ainapalli Simson, S/o.Pochalu, aged about 53 years**

**(All the petitioners are agriculturists and the residents of Desaipet,**

**Hanamkonda Mandal,Warangal District)**

**.. Petitioners**

**and**

1. The District Collector,

Warangal, Warangal District

2. The Mandal Revenue Officer,

Hanamkonda Mandal, Hanamkonda

Warangal District

.. Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, directing the respondents to issue necessary proceedings confirming the ownership in favour of the petitioners in respect of the land under their respective occupation in S.Nos.303 and 308 at Desaipet village, Hanamkonda Mandal, Warangal District.

**Counsel for the Petitioners: MR.J.VENKATESWARA REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following :**

**ORAL ORDER**:

This writ petition is filed seeking a direction to the respondents to issue necessary proceedings confirming the ownership in favour of the petitioners in respect of the land under their respective occupations in S.Nos.303 and 308 at Deshaipet village, Hanamkonda Mandal, Warangal District.

The case of the petitioners is that the father of the 3rd petitioner purchased an extent of Ac.04.00 cents of patta land in S.No.261 of Mettewada Revenue Village, which is a part of Warangal Town in the year 1928 from one Baswaraj Komuraiah. In 1942, the then Municipality proposed to use this land for dumping the quarrying, but no acquisition proceedings were initiated. The municipal authorities

as well as the revenue authorities came to the petitioners and asked them to vacate the houses and construct their houses and also do cultivation in the lands in S.No.308 (Ac.07.00 cents) and S.No.303 (Ac.03.00 cents) of Deshaipet in lieu of their land in S.No.261 of Matwada. Though the land was situated far away from the town, the petitioners had no alternative but to shift to that place. Accordingly, they went there and started living by constructing their houses and also cultivating the lands. Though the 1st respondent requested the Tahasildar, Warangal on several occasions for aasignment of land in their possession, no action has been taken so far. Hence, this writ petition has been filed.

The respondents filed counter affidavit denying the ownership of the land to an extent of Ac.03.00 cents in S.No.303 and an extent of Ac.07.00 cents in S.No.308 in favour of the petitioners as the said lands are patta lands belonging to the Government Bacharia land as well as one Pendyala Narsinga Rao. It is also stated that the petitioners were never displaced from the land in S.No.261 of Matwada village and it is clear from the pahani for the year 1953 that the land admeasuring Ac.7.08 guntas stands in the name of Baswaraju Komuraiah and others and also as per the records, there is no mention about the said land being proposed or used for dumping the quarrying. It is also stated that the petitioners are only the encroachers on an extent of Ac.8.19 guntas of land in S.No.308 and they approached this Court for appropriate direction to legalize their encroachments.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue and perused the material placed on record.

The learned counsel for the petitioners has contended that though lot of correspondence was made in respect of the assignment of land in favour of the petitioners, the respondents have not taken any action, and therefore, he seeks appropriate directions to the respondents.

The learned Government Pleader for Revenue has contended that in view of the letter, dated 18.6.2004, the matter is still pending with the authorities concerned and appropriate directions may be issued to the respondents to consider the case of the petitioners for grant of necessary relief in their favour.

As could be seen from the record, the 1st respondent-District Collector, Warangal, by a letter, dated 30.10.1975 requested the Tahsildar, Warangal to assign the land under occupation to the petitioners if they are found otherwise eligible with least possible delay and inform the City Municipality, Warangal, the circumstances under which this assignment was necessary. The 1st respondent, further by a letter, dated 29.4.1979 requested the Tahsildar to conduct spot inspection and deal with both the issues separately and report the facts along with a sketch plan of huts/occupations as they appeared then on ground for further action from his side in respect of the earlier correspondence in this regard. In another letter, dated 26.8.1981, the 1st respondent requested the Tahsildar to furnish his report clarifying the points mentioned in the said letter. Further, the 1st respondent requested the Tahsildar, through his letter, dated 4.1.1986, to take necessary action in the matter. In spite of the above correspondence, no action has been taken in respect of assignment of land in favour of the petitioners. Under those circumstances, the petitioners made a representation, dated 21.3.1986 to the 1st respondent to direct the 2nd respondent-Mandal Revenue Officer, Hanamkonda to issue patta certificates for the rehabilitated lands which are in their possession since 1942 Fasli instead of their acquired lands, at an early date. Similar representation was also made on 22.2.1989. The Revenue Divisional Officer, Warangal, through his letter, dated 18.6.2004, directed the Mandal Revenue Officer, Warangal to look into the matter personally and send a detailed report within seven days without fail in respect of the request of the petitioners for regularization of the government land in S.No.308 of Deshaipet village in favour of the petitioners. The

grievance of the petitioners is that on account of non-assignment of land in their favour which is already in their possession and enjoyment uninterruptedly for the last several years, they are put to great hardship.

Admittedly, the petitioners are in possession and enjoyment of the land in question for the last several years i.e. from 1942. The correspondence referred to above shows that when the matter was brought to the notice of the revenue authorities particularly with the 1st respondent for consideration, time and again, he requested the Mandal Revenue Officer, Warangal to conduct spot inspection and send a report and also take necessary action for assignment of the land in their possession, but till today, no action has been taken. It is also evident from the letter, dated 18.6.2004 of the Revenue Divisional Officer, addressed to the Mandal Revenue Officer that the matter is still pending with the authorities without any solution.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the respondents to consider the case of the petitioners either to issue necessary proceedings confirming the ownership in favour of the petitioners in respect of their lands under occupation in S.No.303 and 308 of Deshaipet village, Hanamkonda Mandal, Warangal District or to consider for assignment of the said lands in their favour according to law taking into consideration their long and uninterrupted possession from 1942 till date and pass necessary orders within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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(G. CHANDRAIAH, J.)

13th July, 2005

bcj

To

1. The District Collector, Warangal, Warangal District

2. The Mandal Revenue Officer, Hanamkonda Mandal, Hanamkonda

Warangal District

3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies